

# MAGIC CITY MEDIA

October 18, 1996

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

RECEIVED  
OCT 21 1996  
FCC MAIL ROOM

RE: MM Docket No. 96-175, RM-8850  
Comments and Counterproposal  
Strasburg, Colorado

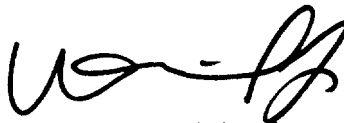
DOCKET FILE COPY ORIGINAL

Dear Secretary:

Transmitted herewith are an original and four (4) copies of Comments and a Counterproposal, in connection with the above referenced proceeding.

Should any questions arise in connection with this matter, kindly contact the undersigned.

Sincerely,



Victor A. Michael Jr.  
President  
Magic City Media, Inc.

No. of Copies rec'd  
List ABCDE

044

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

RECEIVED  
OCT 21 1996  
FCC MAIL ROOM

In the Matter of )

Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )

(Strasburg, Colorado) )

MM Docket No. 96-175  
RM-8850

Directed to: Chief, Allocations Branch

**COMMENTS AND COUNTERPROPOSAL**

On behalf of Magic City Media, Inc. ("Magic City"), we hereby submit these comments on the Notice of Proposed Rulemaking ("NPRM") in the captioned proceeding released by the Commission on August 30, 1996. Magic City is the current licensee of KIGN(FM) Cheyenne, Wyoming, Channel 250C1 (97.9 MHz). Specifically, the proposed should not be made because the petitioner failed to include an affidavit as required by Section 1.52 of the Commission's rules. Alternatively, the Commission should substitute Channel 280C3 for Channel 249C3 in Strasburg to accommodate a proposed "One Step" upgrade of Channel 249C for Channel 250C1 at Cheyenne, Wyoming.

1. The Commission has proposed to allot Channel 249C3 to Strasburg, Colorado in response to a petition filed by J.P.I. Radio, Inc. ("petitioner"). It is also proposed to reserve this Channel for non-commercial educational use.

2. Magic City feels this petition is not necessary since Strasburg is a small community which already has an FM allotment, Channel 272A. Strasburg does not appear in the 1990 U.S. Census. It is listed in the Rand McNally Colorado

State map showing a population of 1000 persons. With such a small community, Magic City feels a second FM allotment is not necessary.

3. Magic City also feels that the petition should be dismissed since the petitioners request failed to include an affidavit verifying that the statements contained in the petition are accurate to the best of its knowledge. Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel be signed and verified by the commenting or petitioning party and its address stated.

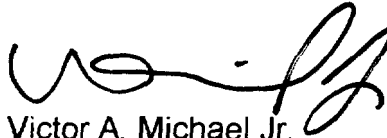
4. Magic City is currently in the planning stages to upgrade KIGN(FM) from a Class C1 to a Class C. To accomplish this, Magic City is planning on filing a one step application to change its allotment from 250C1 to 249C. The NPRM would prevent any upgrade of KIGN(FM) on its present Channel 250, or Channel 249 its first adjacent Channel. A move to Channel 249C would be preferred as it would offer more site availability to locate a new transmitter site and large tower required to upgrade KIGN(FM). The allotment of Channel 249C3 would eliminate any possibility of KIGN(FM) of upgrading its current class of Channel without a change to other allotments. Magic City certifies that it will file a "one step" application (FCC Form 301) to increase its current licensed facilities within 90 days of these comments. Upgrading Channel 250C1 to Channel 249C will result in expanded FM service in Cheyenne and thus serve the public interest. While there are other allotments in Cheyenne, this would be the first Class C allotment to Cheyenne, Wyoming.

5. If the Commission feels it is necessary to allot a second Channel to Strasburg, Magic City has performed a Channel Study (See Figure 1) which shows that Channel 280C3 can be allotted to Strasburg with a site restriction of 19.2 kilometers east of Strasburg. The proposed allotment of 249C3 also requires a site restriction of 10.9 kilometers east. Thus, substitution of Channel 280C3 for Channel 249C3 will not harm the petitioner, since it will still permit allotment of a Class C3 to Strasburg, Colorado if the Commission determines that a second allotment to Strasburg is necessary.

#### CERTIFICATION

6. I certify that I have prepared or directly supervised the preparation of these Comments and Counterproposal, and that the facts contained within are true to the best of my knowledge, information and belief, and are accurate and true.

Respectfully submitted,



Victor A. Michael Jr.  
President  
Magic City Media, Inc.  
1912 Capitol Avenue, Suite 300  
Cheyenne, Wyoming 82001  
(307) 632-4400

MAPFM search of channel 280C3 (103.9 MHz), at N. 39 46 9, W. 104 6 50.

Searching Channel 280C3 (103.9 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KTCL	Fort Collins	CO	227	C	L	76.5	31.0	298.4°	45.5
ALC	Denver	CO	278	C	U	96.2	96.0	267.4°	0.2
KRFX	Denver	CO	278	C	L	96.2	96.0	267.4°	0.2
ALC	Canon City	CO	280	A	U	174.2	138.0	213.4°	36.2
KSTY	Canon City	CO	280	A	L	174.2	138.0	213.4°	36.2
ALC	Gering	NE	280	C3	U	231.9	153.0	9.5°	78.9
ALC	Burlington	CO	281	C1	U	167.8	144.0	108.3°	23.8
KNABFM	Burlington	CO	281	C1	L	167.8	144.0	108.3°	23.8
ALC	Longmont	CO	282	C1	U	98.4	76.0	298.4°	22.4
KQKS	Longmont	CO	282	C2	L	98.4	56.0	298.4°	42.4
KQKS	Longmont	CO	282	C1	C	76.5	76.0	298.4°	0.5
KQKS	Longmont	CO	282	C1	C	102.1	76.0	279.0°	26.1
NEW	Longmont	CO	282	C1	A	102.1	76.0	279.0°	26.1
NEW	Longmont	CO	282	C1	A	102.1	76.0	279.0°	26.1
NEW	Longmont	CO	282	C1	A	102.1	76.0	279.0°	26.1


FIGURE 1  
CHANNEL STUDY  
CHANNEL 280 C3  
STRASBURG, COLORADO  
MAGIC CITY MEDIA, INC.  
SITE 19.2 KM EAST OF STRASBURG

Comments and Counterproposal: MM Docket No. 96-175, RM-8850  
DA 96-1420

CERTIFICATE OF SERVICE

I, Victor A. Michael Jr., President of Magic City Media, Inc., certify that a copy of the foregoing Comments and Counterproposal, MM Docket No. 96-175, RM-8850, has been sent by U.S. Mail, First Class paid, this 18th day of October, 1996 to the Petitioner:

J.P.I Radio, Inc.  
Attn: Jarel Pittman  
12104 Old Hwy 169  
Hibbing, MN 55746

  
\_\_\_\_\_  
Victor A. Michael, Jr.  
October 18, 1996